

MR1115-490

Serial Number: 10/721,882

Reply to Office Action dated 13 December 2005

AMENDMENTS TO THE DRAWINGS

The attached drawing sheet includes a change to FIG. 2 and replaces the original drawing sheet that had FIG. 2 thereon. In FIG. 2, the reference number "212," described in the Specification has been added.

Attachment: One Replacement sheet.

MR1115-490

Serial Number: 10/721,882

Reply to Office Action dated 13 December 2005

REMARKS

This case has been carefully reviewed and analyzed in view of the Office Action dated 13 December 2005. Responsive to the Office Action, Claims 1 has been amended to clarify the language thereof and Claim 7 has been amended to change the dependency thereof.

In the Office Action, the Examiner objected to the drawings under 37 C.F.R. 1.84(p)(5) because they did not include the reference number "212" mentioned in the Description. Accordingly a replacement drawing sheet of FIG. 2 with the missing reference number added thereto is attached hereto.

The Examiner objected to the Specification due to informalities found therein. Responsive to the objections, the Specification has been amended to correct those informalities kindly noted by the Examiner.

In the Office Action, the Examiner objected to Claim 7 due to an informality therein and rejected Claims 1 - 18 under the judicially created doctrine of obviousness-type double patenting, as being unpatentable over Claims 1 - 18 of U.S. Patent No. 6,623,405, in view of Wood et al., U.S. Patent No. 6,761,611.

Claims 1 has been amended to correct a language error found therein and Claim 7 has been amended to correct the informality kindly noted by the Examiner by changing the dependency of that Claim. The obviousness-type double patenting rejection has been obviated by the filing of a Terminal Disclaimer and

MR1115-490

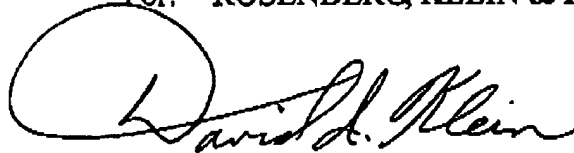
Serial Number: 10/721,882

Reply to Office Action dated 13 December 2005

the necessary fee. A copy of the concurrently filed Terminal Disclaimer is attached hereto.

It is now believed that the subject Patent Application has been placed in condition for allowance, and such action is respectfully requested.

Respectfully submitted,
For: ROSENBERG, KLEIN & LEE



David I. Klein
Registration #33,253

Dated: 13 April 2006

Suite 101
3458 Ellicott Center Drive
Ellicott City, MD 21043
(410) 465-6678
Customer No. 04586

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the U.S. Patent and Trademark Office, Art Unit #3764, at (571) 273-8300, on the date shown below.

For: ROSENBERG, KLEIN & LEE


DAVID I. KLEIN

13 April 2006
Date

PTO/SB/28 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**TERMINAL DISCLAIMER TO OBTAIN A DOUBLE PATENTING
REJECTION OVER A "PRIOR" PATENT**Docket Number (Optional)
MR1115-490

In re Application of: Yun Yu Chuang et al.

Application No.: 10/721,882

Filed: 28 November 2003

For: WRIST EXERCISER HAVING DISPLAY AND TRANSMISSION DEVICE

COPY

The owner, Yun Yu Chuang and Ming Hsueh Lin, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term prior patent No. 6,623,405 as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, "as the term of said prior patent is presently shortened by any terminal disclaimer," in the event that said prior patent later:

- expires for failure to pay a maintenance fee;
- is held unenforceable;
- is found invalid by a court of competent jurisdiction;
- is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;
- has all claims canceled by a reexamination certificate;
- is reissued; or
- is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney or agent of record. Reg. No. 33,253

David A. Klein
Signature

4/13/2006
Date

David I. Klein
Typed or printed name

(410) 465-6678
Telephone Number

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) included.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).
Form PTO/SB/96 may be used for making this certification. See MPEP § 324.

This collection of information is required by 37 CFR 1.321. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

COPY

Best Available Copy